

Remarks

Claim 1 -15 have been canceled. Claim 16-25 have been added.

The Examiner has rejected applicant's claims 1-2 and 5-15 under 35 USC 102(e) as anticipated by the Aikens, et al. patent (US Patent No. 6,216,113). The Examiner has further reject applicant's claims 3, 4 and 7 under 35 USC 103(a) as unpatentable over the latter patent. Applicant has canceled claims 1-15, thereby rendering these rejections moot.

Certain of newly added claims 16-25 include features similar to those recited in canceled claim 3 and are supported by the second embodiment discussed in applicant's specification. Such constructions are not taught or suggested by the cited Aikens, et al. patent, and to the extent that the Examiner believes the Examiner's rejections remain applicable to the newly added claims, the rejections are respectfully traversed.

Applicant's newly added claims are believed to better define applicant's invention. In particular, added claim 16 recites a client terminal device in which a software including a plurality of functions is installed, the device comprising: selection means for selecting any of said functions in response to a user's operation; usability permission request means for requesting a server apparatus to permit usability of said selected function; execution means for executing said function when a notice of usability permission of said function is received from the server apparatus; count means for counting a period in which said function is not executed; usability termination request means for requesting the server apparatus to terminate a usability of said function if said counted period exceeds a threshold; and usability termination receiving means for receiving a notice of usability termination of said function from the server apparatus. Claims 22 and 24 recite like features.

Looking at the Aikens, et al. patent, there is nothing taught or suggested in that patent which can be equated to the claimed "count means for counting a period in which said function is not executed; usability termination request means for requesting the server apparatus to terminate a usability of said function if said counted period exceeds a threshold." In the Aikens, et al. patent "access to a given printer is excluded" upon "exceeding the allowed credit" based on an "account system. . . set up to allow for predetermined usage per individual account or group account." (Column 4, lines 36-42).

Thus, in the Aikens, et al. patent when the predetermined usage set up is exceeded, access to a given printer is excluded, and there is no teaching or suggestion to exclude this function based on a period of not using the printer exceeding a predetermined period. Moreover, the Examiner's statement that "it would have been obvious to one of ordinary skill in the art at the time the invention was made [to] cancel the account or to stop replenishing funds in the account (equivalent to stopping charges) if the balance of the account was unchanging – indicating lack of use" has no support anywhere in the Aikens, et al. patent. It, therefore, is believed to be based solely on the Examiner's attempt to meet the terms of applicant's claims, as opposed to anything taught or suggested by the patent, and, therefore, is improper.

Accordingly applicant's newly added independent claims 16, 22 and 24, and their respective dependent claims, all of which recite the above features, thus patentably distinguish over the Aikens, et al. patent.

Applicants newly added claim 19 recites a server apparatus for charging to a use of a software installed in a client terminal device, said apparatus comprising: usability permission request receiving means for receiving from said client terminal device a request of permitting

usability of any of said functions; usability permission informing means for informing a notice of usability permission of any of said function to the client terminal device; charge means for periodically charging to the function in a state of usability permission among the functions in said software; usability termination request receiving means for receiving from said client terminal apparatus a request of terminating usability of any of functions in a state of usability permission among said functions in said software; charge control means for controlling said charge means to terminate charge for said functions in response to said usability termination request; and usability termination informing means for informing said client terminal apparatus of a notice of usability termination of said functions. Claims 23 and 25 recite similar functions.

The cited Aikens, et al. patent also fails to teach or suggest such a construction. More particularly, there is nothing taught or suggested in the patent of "charge means for periodically charging to the function in a state of usability permission among the functions in said software; usability termination request receiving means for receiving from said client terminal apparatus a request of terminating usability of any of functions in a state of usability permission among said functions in said software; charge control means for controlling said charge means to terminate charge for said functions in response to said usability termination request; and usability termination informing means for informing said client terminal apparatus of a notice of usability termination of said functions." As above-mentioned, in the Aikens, et al. patent when the predetermined usage set up of a user is exceeded, access to a give printer is excluded. However, this is not a teaching or suggestion that upon receipt of a request to terminate usability of a function, a charge means which periodically charges for use of that function is terminated by a charge control means.

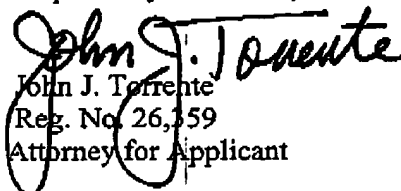
Applicant's newly added independent claims 19, 23 and 25, and their respective dependent claims, all of which recite such features, thus patentably distinguish over the Aikens, et al. patent.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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